

***United States Court of Appeals
for the Second Circuit***



APPENDIX

76-1181

B

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

THOMAS WHITE,

Appellant

v.

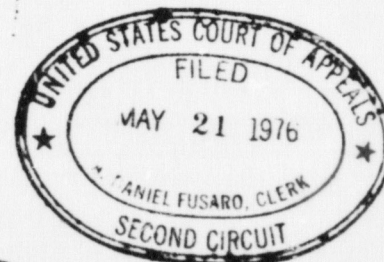
UNITED STATES OF AMERICA,

Appellee

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

APPENDIX FOR THE APPELLANT

Richard R. Brown
Special Federal Public Defender
One Financial Plaza
Hartford, Connecticut 06103



PAGINATION AS IN ORIGINAL COPY

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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FILED
SEP 13 5 20 PM '75
U.S. DISTRICT COURT
HARTFORD, CONNECTICUT

UNITED STATES OF AMERICA :

v. :

CRIMINAL NO. 1175-138

STEVEN LAMONT RANDOLPH :
and THOMAS WHITE :

I N D I C T M E N T

The Grand Jury charges:

COUNT ONE

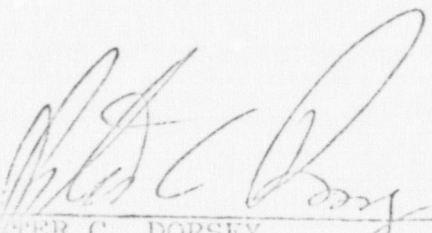
On or about June 24, 1975, at Hartford, in the District of Connecticut STEVEN LAMONT RANDOLPH and THOMAS WHITE, the defendants, by force and violence and by intimidation, wilfully and unlawfully did take from the person and presence of another, the approximate sum of \$2,991.75 in money, belonging to and in the care, custody, control, management and possession of the Connecticut Bank & Trust Company, Terry Square Office, 2775 Main Street, Hartford, Connecticut, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

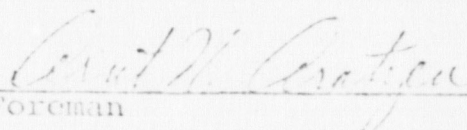
COUNT TWO

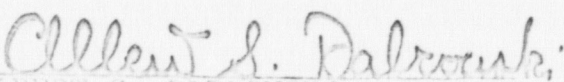
On or about July 10, 1974, at Hartford, in the District of Connecticut, STEVEN LAMONT RANDOLPH and THOMAS WHITE, the defendants, by force and violence and by intimidation, wilfully and unlawfully did take from the person and presence of another, the approximate sum of \$3,067.94 in money, belonging to and in the care, custody, control, management and possession of the Connecticut Bank & Trust Company, Terry Square Office, 2775 Main Street, Hartford, Connecticut, the deposits of which were then insured by the Federal

Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

A TRUE BILL


PETER C. DORSEY
United States Attorney


Foreman


ALBERT S. DABROWSKI
Assistant U. S. Attorney

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

7: 1200ET CLARIE

U. S. Form No. 100 Rev.

H75 / 138

TITLE OF CASE

THE UNITED STATES

vs.

STEVEN LAMONT RANDOLPH
and THOMAS WHITE

ATTORNEYS

For U. S.:

Peter G. Dorsey, US Attorney
ALBERTS, DABROWSKI, Asst. USA
450 Main St., Hartford, Conn.

For Defendant:

Thos. White - Richard R. Brown, Appt.
One Financial Plaza
Hartford, Conn. 527-7117

Steven L. Randolph - RICHARD GRANT
450 Main St.
Hartford, Conn.

| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|----------------------|------------|------|------------------------|------|-------|
| J.S. 2 mailed | Clerk | | | | |
| J.S. 3 mailed | Marshal | | | | |
| Violation U. S. Code | Docket fee | | | | |
| Title 18 | | | | | |
| Sec. 2113(a) | | | | | |

| DATE | PROCEEDINGS |
|----------|---|
| 9/19 | The Grand Jury at Hartford returned a True Bill of Indictment charging violation of 18 USC 2113(a) in two counts - take money belonging to a bank insured by FDIC. Bench Warrants to issue with bond set at \$50,000.00 as previously set by the Magistrate. (Blumenfeld) |
| 9/22 | Bench Warrants issued in duplicate for each defendant and with certified copies of the indictment handed US Marshal for service. |
| 10/6 | Application for Writ of H. C. ad Prosequendum and Order, filed. (Clarie, J.) m-10/8/75 Two attested copies handed US Marshal for service. |
| 10/14 | PLEA of not guilty entered. Clerk's office to appoint attorney. Two weeks for motions. Govt. to respond in one week. Same bond to continue. (Clarie, J.) - (Def. THOMAS WHITE) |
| 10/14 | STEVEN RANDOLPH - PLEA of not guilty entered. Two weeks for motions - Govt. to respond in one week. Same bond to continue. (Clarie, J.) |
| 10/16/75 | CJA 23, Financial Affidavit, filed. |
| 10/14 | Notice of Readiness, filed by Govt. (Thos. White) |
| 10/22 | Motion To Suppress Statements, filed. |

CONTINUED

DATE
1975

PROCEEDINGS

10/17 Marshal's executed return, filed. (Warrant for Arrest.)

10/15 Appearance of Richard R. Brown entered and filed to represent Defendant White.

10/29 THOMAS WHITE - Request for Evidentiary Hearing, filed.

10/27 CJA 20 executed (Templeton, D.C.) appointing Richard R. Brown, to represent Deft. Thomas White.

11/10 THOMAS WHITE - Motion To Suppress Hearing - Govt. Witness sworn and testified - Deft's exhibits A & B, filed. All govt. witnesses sequestered - 2 Govt. witnesses sworn and testified - Govt. exhibits 1 thru 7, filed - Govt. rests at 3:55pm however, they will present further evidence at a future date - 2 Deft's. witnesses sworn and testified. Continued to Nov. 17th at 2:00pm. (Clarie, J.)

*11/24 THOMAS WHITE - Continued hearing on Motion To Suppress - Deft. previously sworn, resumes stand and continues testimony. 2 Govt. Witnesses sworn and testified - Counsel to file Finding of Fact and Conclusion of Law by Nov. 26th. (Clarie, J.)

11/24 Affidavit In Support Of Motion To Proceed In Forma Pauperis, filed by Deft. Thomas White.

11/24 Motion To Proceed In Forma Pauperis, filed by Deft. White for purposes of service of subpoena. ORDER, entered. Motion granted. Clarie, J. M-11/28/75.

11/26 Brief In Support Of Motion To Suppress Defendant's Proposed Findings Of Fact, filed by Deft. White.

11/26 Government's Opposition To Defendant's Motion To Suppress Evidence, filed.

*11/17 Hearing on Deft. White's Motion To Suppress - Govt. Witness sworn and testified - Govt's. exh. 8, filed. Continued to 11/24/75 at 2:00pm. (Clarie, J.)

12/18 STEVEN L. RANDOLPH - Motion for Production and Inspection, filed.

12/18 Magistrate's papers, filed. -- RANDOLPH, Docket Sheet, Complaint, Warr. of Arr., 1976 Temp. Commitment. (PAKER, M.)

1/12 Hearing on Randolph Motion For Production and Inspection - Decision Reserved. (Clarie, J.)

1/22 Ruling on Defendant's Motion To Suppress (Thos. White), filed. (Clarie, J.) m-1/23/76 Copies disbursed to all counsel of record. "Motion denied in all respects."

1/23 Endorsement entered on Deft. Randolph's Motion For Production and Inspection. "Motion for production and inspection is granted as requested. Co. ordered." (Clarie, J.) m-1/23/76 Copies disbursed to counsel of record.

1/19 Jury Assg. List Cal. - Jury selection on Jan. 27th. (Clarie, J.)

1/27 CHANGE OF PLEA of guilty to counts 1 and 2. Deft. sworn and questioned by the Court - Continued for pre-sentence report. Court exh. A, Intention to Enter Guilty Plea, filed. Same bond to continue. (Clarie, J.) (DEFENDANT, STEVEN L. RANDOLPH)

1/22 JURY TRIAL:- Jury questioned on voir dire - 12 Jurors and 2 Alternates impaneled and sworn. Jury to be notified by Clerk's Office. (Clarie, J.)

3/9 JURY TRIAL COMMENCES: 14 Jurors report - Two Stipulations, filed by counsel - Defendant requests that witnesses be sequestered - Motion Granted with exception of FBI case agents - 8 Govt. witnesses sworn and testified - Govt. exhibits 1 thru 4, filed - Jury instructed re discussion of case and news media viewing - Court adjourned at 3:30p.m. until tomorrow at 10:00 a.m. (Clarie, J.)

3/10 JURY TRIAL CONTINUES: 14 Jurors report - Defendant's Attorney states client wished to change plea of not guilty. Plea of not guilty may be entered.

Cont'd on p.

DATE
1976

PROCEEDINGS

3/10 cont'd...CHANGE OF PLEA (Thos. White) of guilty to two count indictment entered. Defendant sworn and questioned by Court - Indictment on H-75-136 to be dismissed at time of sentencing on H-75-138. Continued for presentence report - same bond to continue - Jury advised of change of plea and excused until further order of Court. Court adjourned at 11:15 a.m. (Clarie, J.)

3/10 CJA 21 executed (Claire, J.) authorizing preparation of transcript for suppression motion.

3/22 Stipulation filed.

3/23 Appl. for Writ of Habeas Corpus Ad Prosequendum and Order, filed. (Clarie, J.) M. 3-23-76. Two attested copies handed US Marshal.

3/31 Court reporters notes for Proceedings held on Oct. 14, 1975 filed in Hartford. (Sperber, R.)

3/31 Court Reporters notes of Proceedings held on Nov. 17, 1975, filed in Hartford. (Sperber, R.)

3/31 Court Reporter's notes of Proceedings held on Nov. 24, 1975, filed in Hartford. (Sperber, R.)

3/31 STEVEN L. RANDOLPH - DISPOSITION: committed for fifteen years on each of two counts to run concurrently. (Clarie, J.)

3/31 THOMAS WHITE - Atty. Brown makes Motion that Court excuse itself from sentencing because he has read the pre-sentence report and also to order Probation to strike from their report any reference to pending charges in another court - MOTION DENIED. ----

DISPOSITION: fifteen years imprisonment on each of two counts to run concurrently. Indictment in Crim. H-75-136 is dismissed. (Clarie, J.)

3/31 Notice of Appeal, filed. Copies sent to Counsel of Record.

4/1 Certified copy of Notice of Appeal and Docket Entries mailed to USCA.

3/31 Affidavit in Support of Motion for Leave to Appeal as Poor Person with endorsement thereon, filed. Endorsement reads, "3/31/76. Motion to proceed in forma pauperis. So Ordered." (Clarie, J.) M. 4-1-76. Copies sent to Counsel of Record.

3/31 CJA 23, Financial Affidavit, filed.

4/1 Marshal's executed return filed. (Appl. for Writ of H.C.)

4/5 Court Reporter's Transcripts of Proceedings held on Nov. 10, 17 & 24 filed in Hartford. (two volumes) (Sperber, R.)

4/5 Court Reporter's Transcripts of Proceedings held on March 31, 1976 filed in Hartford. (Sperber, R.)

4/5 Motion for Inclusion in Court Record, filed.

4/5 Notice of Transcript and Grounds for Appeal, filed.

4/5 Judgment and Commitment Order filed. (Clarie, J.) M. 4-5-76. Two attested copies handed US Marshal and attested copy handed US Probation Officer in Hartford. (Randolph)

4/5 Judgment and Commitment Order filed. (Clarie, J.) M. 4-5-76. Two attested copies handed US Marshal and attested copy handed US Probation Officer in Hartford. (White)

Date : 7/20/75

Commissioner of Health,
Connecticut State Department of Health,
79 Elm Street,
Hartford, Connecticut

Dear Commissioner:

As provided under section 19-43a of the Connecticut General Statutes, the following person is reported to you as a drug dependent person, as defined in section 19-443.

Full name Thomas White
Full address 71 Bellevue St. Hartford
Sex Male
Date of birth 8/25/55
Race Black
Drug (s) On 7 bags Heroin daily

The information herein shall not be admissible in any criminal prosecution or used for other than rehabilitation, statistical or medical purposes and this report shall be held confidential by the commissioner.

Signed Louis C. Toulson, M.D.
Official capacity Hartford Police Physician
Address 1467 Farmington Ave.

CONTROLLED DRUG RECORD OF DISPOSITION

Drug: Dolophine

Form: Tablet *Control No. 459*

Strength: 10 mg.

| Date | A.M. | P.M. | Patient's Full Name | Physician | Amount Used |
|-------|-------|------|--------------------------|-----------------|-------------|
| 19/75 | | 7:00 | | | |
| 20/75 | 10:30 | | | | |
| 20/75 | | 7:00 | | | |
| 20/75 | | 7:22 | Thomas White | S.C. Burke M.D. | 10 mg (46) |
| 24/75 | | 7:30 | 711 Bellvue Dr. Hailford | | |
| 24/75 | | 7:30 | | | |
| 24/75 | | 7:40 | | | |
| 24/75 | | 7:00 | | | |
| 28/75 | | 7:15 | | | |
| 28/75 | | 7:20 | | | |
| 28/75 | | 7:36 | | | |
| 28/75 | | 7:50 | | | |
| 29/75 | | 5:55 | | | |
| 29/75 | | 6:15 | | | |
| 29/75 | | 6:30 | | | |

| | | | | | | | | | |
|--|-----------|---|----|---|--|--|--|--|--|
| NAME White, Thomas DOB 12/25/71 APO, CA LTR# 13523 | | | | | | | | | |
| DATE 1/21/02 | | | | | | | | | |
| CRDS 1000 | | | | | | | | | |
| 1/21 | Label tag | N | P | F | | | | | |
| | BID X3 | D | TM | | | | | | |
| | 8 8 | E | TM | | | | | | |
| | 1000 tag | N | P | F | | | | | |
| | BID X3 | D | TM | | | | | | |
| | 8 8 | E | TM | | | | | | |
| | 1000 tag | N | P | F | | | | | |
| | BID X3 | D | TM | | | | | | |
| | 8 8 | E | TM | | | | | | |
| 1/21 | Label tag | N | P | F | | | | | |
| | BID X3 | D | TM | | | | | | |
| | 8 8 | E | TM | | | | | | |
| 1/23 | Label tag | N | P | F | | | | | |
| | BID X3 | D | TM | | | | | | |
| | 8 8 | E | TM | | | | | | |
| 1/23 | Label tag | N | P | F | | | | | |
| | BID X3 | D | TM | | | | | | |
| | 8 8 | E | TM | | | | | | |
| 1/23 | Label tag | N | P | F | | | | | |
| | BID X3 | D | TM | | | | | | |
| | 8 8 | E | TM | | | | | | |

STATE OF CONNECTICUT
DEPARTMENT OF CORRECTION
H.C.C.S. 72 STATE ST.

MEDICATION SHEET

PEDICATION WHITE, THOMAS

| | 7.22.75 | 7.23.75 | 7.24.75 | 7.25.75 | 7.26.75 | 7.27.75 |
|------------------------|---------|---------|---------|---------|---------|---------|
| 7.21.75 Haldol 100mg | 100mg | 100mg | 100mg | 100mg | | |
| BID x 3 days | | | | | | |
| Cogentin 100mg | 100mg | 100mg | 100mg | 100mg | | |
| BID x 3 days | | | | | | |
| Droperidol 10mg | 10mg | 10mg | 10mg | 10mg | | |
| BID x 3 days | | | | | | |
| 7.21.75 Cogentin 100mg | 100mg | 100mg | 100mg | 100mg | | |
| BID x 3 days | | | | | | |
| 7.23.75 Miltex 300mg | 300mg | 300mg | 300mg | 300mg | | |
| 2pp & h.s. | | | | | | |
| Combid 100mg | 100mg | 100mg | 100mg | 100mg | | |
| BID x 3 days | | | | | | |

COMMUNITY CORRECTIONAL CENTER HARTFORD

NAME White, Thomas AGE 19 D.O.B. N/A
 HEIGHT _____ WEIGHT _____ RACE _____ STATUS _____

| DATE | COMPLAINT AND TREATMENT | SIGNATURE |
|---------|---|-----------|
| 7/26/75 | <p>1/2 2x2.5g Bup/d - lost dose Sunday AM C/o camp in abd, hot & cold flash, vomiting anorectic. (PE) sniffing Bup. No nose flash MM's abd not ss, N3/115 mildly, mass Heroin withdrawal routine M. Krane noted 1 more dose</p> | |
| 7/23/75 | <p>PT up for discharge to pop but qd on pain; C/o symptoms that vomiting; PE abd soft & cold. Temp 7 withdrawal constipation Bromax 30cc 2hr PR & h s (2) Combil 1 BID x 3 day (3) abuse x 2 day (4) RT 5/c Friday / Krane</p> | |
| 7/24/75 | <p>He did leave, discharge to population cell # 169 Brian Mullick</p> | |
| 7/30 | <p>PT leaves RT pop - this got upset but does not want med at home RT pop RT 5/c Per</p> | |
| 8/4/75 | <p>noted 1 medally wt = 124.9 g Dump use in sickness now 2 weeks p stopping. Has vomiting each meal, RUC usual wt 175 PE RUC & Bup/d 5 or 6 times daily Temp: 100.4 to 10.1 R Don't let BID. MVI 199X7</p> | |

COMMUNITY CORRECTIONAL CENTER HARTFORD

NAME WHITE, THOMAS

AGE

18

D.O.B.

Aug 25, 1955

HEIGHT

5'5"

WEIGHT

130

RACE

B

STATUS

B

DATE

COMPLAINT AND TREATMENT

SIGNATURE

4/23/74

40 "wound" long scratches
in right arm
from chain
PT arm

[Signature]

PT Vytrol 2 B.I. A D x 20

11/2/75
9:25

17 yr old male
Chronic (1) present 2 7 4.25 hrs.
prob. drug - in arm 6 years
11/2/75 1964

- (1) - harder to see
- (2) - injection tray
- (3) - alcohol in
- (4) - alcohol in

BID x 3 days

[Signature]

HUPPES NOTES

NAME: White House NUMBER: _____

D.O.B. _____ SEX: _____ RACE: _____

DATE: _____ TIME: _____

| | | | |
|---------|------|---|-----------|
| 7-26-75 | 4-12 | Out for one playing cards to school pt. All complete meal again this pm & incident Reviewed all med this pm Discharged MC | W. H. H. |
| 7-26-75 | 1-8 | Sleeping during rounds. Gardener. | |
| | 8-4 | pt. sleeping most of day quiet no motion | pt. H. H. |
| | 4-12 | Eaten well & quiet. Discharged at return to Ewing this pm. Discharged to see Dr. a Monday. He has no any physical complaints. | W. H. H. |
| 7-27-75 | 8-4 | pt. in good spirits says he feels good, better today than in a long time. | pt. H. H. |
| | 4-12 | Reviewed in resting room of 1st floor. Discharged to see Dr. a Monday. He has no any physical complaints. | W. H. H. |
| 7-28-75 | 8-4 | Out to court | W. H. H. |
| | 4-12 | Discharged to see Dr. a Monday. He has no any physical complaints. | W. H. H. |

NURSES NOTES

NAME: WHITE, THOMAS

WHEEL:

D.O.B.

AGE:

DATE:

D.T.

TIME

7.22.75 11 am 19 yr. old Black male adm.
From cell 148 to #5 p being
seen by M.D. See orders.
In lunch R.R.

4-11 Remained in cell. This p.m.
On one request, slept, 10
to 11. D. B. Holland

4/23/75 4-12 Out in morning 9U.
No apparent discomfort revaler.
This from agent. Takes med.
Dosed 2/10. Well.

7.24.75 8.4 Out for rec. - took tray
(a mealtime but STATES he
was unable to eat - no
NVV episodes today - to be
closely observed (D. Pippel (Black R.R.)).

4-12 Att. complete p.m. meal 5
incident of NVV. Out for
no socializing & other
ft. Takes med. Dosed 2/10
well.

7.25.75 1-9 Sleeping during rounds. N/c
Rept. M.D. present.

8-4 Pt. says he is having pain
in his stomach. Petering

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :

-VS- :

THOMAS WHITE :

Crim. No. H-75-136
& No. H-75-133

RULING ON DEFENDANT'S
MOTION TO SUPPRESS

Findings of Fact

1. On June 24, 1975, The Connecticut Bank and Trust Company, Terry Square Office, 2775 Main Street, Hartford, Connecticut, was robbed of the approximate sum of \$2,991.75.

2. On July 10, 1975, The Connecticut Bank and Trust Company, Terry Square Office, 2775 Main Street, Hartford, Connecticut, was robbed of the approximate sum of \$3,067.94.

3. On July 11, 1975, the Connecticut Savings and Loan Association of 616 Albany Avenue, Hartford, Connecticut, was robbed of the approximate sum of \$6,065.00.

4. On September 19, 1975, the defendant Thomas White was indicted in the United States District Court at Hartford on three counts of violation of Title 18, United States Code, § 2113(a), for involvement in the incidents described in Paragraphs 1, 2, and 3.

5. During the week of July 13, 1975, the defendant and the police discussed the defendant surrendering to the police. During a phone conversation on Saturday evening, July 19,

White told Detective Edgar Campbell that he was "high" on heroin and stated "I ain't used all the stuff - I got about one (1) day left."

6. On July 14th, July 17th, July 19th, and at least twice on July 20th, the defendant indicated that he would give himself up to the police and in return, Detective Edgar Campbell stated to the defendant that a doctor would be available to treat the defendant's known heroin problem. During the phone conversation on Sunday afternoon, July 20th, White told Campbell that he was ready to surrender and was waiting at 155 Vine Street. During this conversation, White demanded and received assurances from Campbell that he would not be beaten up. In addition he asked about a doctor and stated "the doctor doesn't have to be at the police station - I just want to make sure I see a doctor." In addition he stated "I had some stuff (heroin) but I'll need one (a doctor) before the night's over."

7. During the conversation referred to in Paragraph 6, Campbell told White that he would arrange for him to see a doctor if he actually surrendered.

8. The defendant testified that he consumed at least seven bags a day.

9. On Sunday, July 20, at approximately 4:30 P.M., White surrendered to Detective Campbell at 155 Vine Street.

10. White was orally advised of his constitutional

rights by Detective Edgar Campbell and was taken by him and placed in the back seat of a police car driven by Detective Jesse Campbell of the Hartford Police Department.

11. Jesse Campbell purchased some Kentucky Fried Chicken and drove to Bloomfield, Connecticut, where he gave some of the chicken to two individuals who were working at his home.

12. Jesse Campbell then drove to the Hartford Police Station arriving shortly after 5:00 P.M.

13. During the trip White ate one small piece of chicken. He declined to eat more stating he was not hungry.

14. At 5:23 P.M., after arriving at the police station, White was advised of his constitutional rights by Edgar Campbell, who read from a standard warning and waiver form.

15. While being read his rights, White read the same form which had been placed in front of him.

16. After reading and having his rights read to him, White initialled and then signed the rights form.

17. During the period between 5:30 P.M. and approximately 7:15 P.M., White was questioned by Edgar Campbell concerning, and freely and voluntarily admitted, his participation in a number of criminal matters, including, but not limited to, the armed robberies of The Connecticut Bank and Trust Company on June 24, and July 10, 1975, and the Connecticut Savings and Loan Association on July 11.

18. During this period of time, White drank two (2) cokes which were purchased and given to him by Detective Edgar Campbell.

19. During the question of White by Edgar Campbell, Jesse Campbell left the room to eat and to attend to other matters. Jesse Campbell was in the room with White and Edgar Campbell during approximately thirty (30) minutes of the time between 5:30 P.M. and 7:15 P.M.

20. At approximately 7:15 P.M., after Edgar Campbell completed his questioning, he called Jesse Campbell into the room for the purpose of having Jesse Campbell prepare a typewritten statement.

21. Edgar Campbell told White to tell Jesse Campbell everything he had told him and advised White that Jesse Campbell would reduce those statements to writing.

22. Edgar Campbell left the room following which White related his involvement in the bank robberies of June 24 and July 10 to Jesse Campbell.

23. White's oral admissions were reduced to a written statement by Jesse Campbell.

24. Upon completing the statement, Jesse Campbell called Edgar Campbell back into the room for the purpose of witnessing White's signature.

25. After reading the statement and having it read to him White, in the presence of Edgar Campbell and Jesse Campbell, signed the statement.

26. Edgar Campbell witnessed White's signature but did not examine the document itself.

27. The statement was completed at approximately 8:00 P.M.

28. At approximately 8:00 P.M., White was taken into another section of the Police Station by Edgar Campbell where booking was completed.

29. Jesse Campbell notified the duty captain that White had requested to see a doctor.

30. Both Jesse Campbell and Edgar Campbell were knowledgeable as to the symptoms and characteristics of narcotic addiction and withdrawal. During ten (10) months in 1974 and early 1975, Edgar Campbell worked as an undercover narcotics agent and observed individuals undergoing withdrawal from heroin on several separate occasions.

31. At no time did White appear to Jesse Campbell or Edgar Campbell to be suffering from the symptoms or characteristics associated with withdrawal from narcotic addiction or from any adverse effects associated with drug addiction.

32. White's physical and mental condition appeared to Edgar Campbell and Jesse Campbell as normal and was normal prior to and during the questioning between 4:30 P.M. and 8:00 P.M. on July 20th.

33. No promises or threats other than those already described herein were made by anyone to Thomas White.

34. No complaints or special requests were made by White during the period of questioning referred to above.

35. The oral admissions and statements by White were free and voluntary and were made with full knowledge of his constitutional rights.

36. During the period between 8:00 P.M. and 9:22 P.M., White was held at the Hartford Police Station but was not questioned.

37. At 9:22 P.M. on July 20, 1975, White was examined by Dr. Louis Tonken. Dr. Tonken has practiced medicine for over thirty-six (36) years and pursuant to a contract with the Hartford Police Department visits prisoners at the Morgan Street lockup between 9:00 P.M. and 10:00 P.M. on a daily basis.

38. Upon arriving at the jail on July 20th, Dr. Tonken was advised by the duty captain that White had requested to see a doctor.

39. After examining White Dr. Tonken concluded that White was a heroin addict.

40. Dr. Tonken further concluded that White was beginning to show signs of withdrawal.

41. Dr. Tonken administered 10 mg. of methadone to White.

42. Dr. Tonken concluded that White was not in the advanced stages of heroin withdrawal. Although Dr. Tonken

had no present recollection of treating White on July 20, he would have administered 20 mg. of methadone to White had White showed advanced or severe signs of withdrawal from heroin.

43. Between 9:30 P.M. on July 20th and 9:00 A.M. on July 21, White was held overnight at the police station. He was not questioned by any law enforcement officer during this period.

44. At approximately 9:00 A.M. on Monday morning, July 21st, White was taken to an interview room by Detective Madison Warren Bolden of the Hartford Police Department.

45. Detective Bolden orally advised White of his constitutional rights.

46. Detective Bolden questioned White about the July 11, 1975 robbery of the Connecticut Savings and Loan Association.

47. White denied robbing the Connecticut Savings and Loan Association on July 11.

48. At approximately 9:20 A.M. on July 21, Detective Bolden was joined by FBI Special Agents David Miller and Harry Willis, well experienced and knowledgeable police officers.

49. At that time Agents Miller and Willis were unaware that White had signed a statement admitting his participation in the bank robberies of June 24 and July 10.

50. At 9:20 A.M., Agent Miller again advised White of his constitutional rights by reading from a Standard Interrogation: Advice of Rights Form. White read the form and signed it in the presence of Detective Bolden and Agents Miller and Willis.

51. White freely and voluntarily admitted his participation in the armed robberies of the Connecticut Bank and Trust Company on June 24 and July 10 and the Connecticut Savings and Loan Association on July 11, 1975.

52. White denied being involved in a robbery of a Windsor, Connecticut, bank and refused to tell the agents who robbed the three (3) banks with him.

53. The oral statements of White concerning the three (3) bank robberies were reduced to writing by Agent Miller and Detective Bolden.

54. White read each of the statements and understood them.

55. White signed each of the statements in the presence of Agents Miller and Willis and Detective Bolden.

56. At no time did White appear to Agents Miller and Willis or to Detective Bolden to be suffering from symptoms or characteristics associated with withdrawal from drug addictions or from any adverse effects associated with drug addiction.

57. White's physical and mental condition appeared to Agents Miller and Willis and to Detective Bolden to be normal.

and was normal immediately prior to and during the questioning of July 21.

58. No promises or threats were made to White by Agents Miller and Willis or Detective Bolden on July 21.

59. No complaints or requests were made by White during the questioning of July 21.

60. The oral admissions and related statements made by White on July 21 were free and voluntary and were made with full knowledge and understanding of his constitutional rights.

61. Prior to making and signing each confession, Thomas White was fully and properly advised of his constitutional rights.

62. Prior to making and signing each confession, Thomas White was clearly and correctly advised by the police officers that anything said by him could and would be used against him in a court of law.

63. Thomas White testified before the Court during a protracted suppression hearing held over several days. White testified incredibly on numerous matters including, but not limited to, the number and dates of the phone conversations between himself and Edgar Campbell, that he did not understand that the statements he gave could be used against him and as to the nature and extent of the symptoms of his withdrawal from narcotics.

64. The Court credits the truthfulness of the testimony of Jesse Campbell, Edgar Campbell, Madison Warren Bolden and

Agents Miller and Willis over the testimony of the defendant.

65. Thomas White fully understood the import, the consequences, and the significance of these statements at the time they were given.

66. Although Thomas White was a heroin addict on the dates these confessions occurred, he was not so influenced by drugs, nor suffering from withdrawal symptoms, as to be unable to comprehend and fully understand what he was doing at the time he confessed.

67. Each of the confessions was voluntarily and intelligently given, without any threats, promises or coercion.

Conclusions of Law

The mere fact that a confession has been made by one who is under the influence of drugs or narcotics does not in and of itself render the confession inadmissible in evidence. The fact that such a condition may exist at the time of giving the confession is however, a factor to be considered in determining whether the confession was voluntarily and knowingly given or the product of unlawful duress or coercion. While the defendant White had only an 8th grade education, he was knowledgeable and well versed in the ways of the street.

"In determining whether a defendant's will was overborne in a particular case, the Court has assessed the totality of all the surrounding circumstances--both the characteristics of the accused and the details of the interrogation."

The Court has used these criteria in arriving at the factual conclusions in this case. The defendant White had been on drugs, according to his own story during the prior week, consuming from 7 to 15 bags of heroin daily. As late as the day prior to his surrender to the police, July 19, 1975, he was "high" on heroin and represented that he had about one day's supply left.

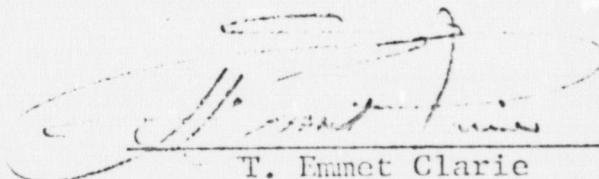
There is little question but that during the period when he waived his constitutional rights and was questioned, the defendant had narcotics in his system. However, he was under no acute compulsion to obtain further drugs and displayed no outward signs of experiencing withdrawal symptoms, during the crucial periods of his questioning and subsequent signing of the written confessions. One hour and 22 minutes after the giving of the statements had been concluded, the police doctor who administered the small dose of methadone (10 mgs.) testified that the defendant was just beginning to show signs of withdrawal. The FBI agents also indicated that the next morning when they questioned him, he appeared in no acute distress and did not display the usual signs of withdrawal.

While later, on July 21 and during the next few days while at the Hartford Jail Dispensary, the records do show severe withdrawal symptoms, the time period is sufficiently remote as not to preclude from admission into evidence the

statements of July 19 and the morning of July 20, 1975. The Court, after considering the totality of the circumstances, finds that the confessions signed by the defendant White on July 19 and 20 were voluntarily and knowingly given. The police procedures conformed with the requirements of Escobedo v. Illinois, 378 U.S. 478 (1964) and Miranda v. Arizona, 384 U.S. 436 (1966).

The defendant White's motion to suppress is denied in all respects. SO ORDERED.

Dated at Hartford, Connecticut, this 22nd day of January, 1976.



T. Emmet Clarie
Chief Judge

3
1 L O U I S C. T O N K E N, appearing as a

2 witness, being duly sworn, testified as follows:

3 THE CLERK: Would you state your full name?

4 THE WITNESS: Louis C. Tonken.

5 THE CLERK: Your address, Mr. Tonken?

6 THE WITNESS: My office address? 487

7 Farmington Avenue, Hartford.

8 DIRECT EXAMINATION BY MR. BROWN:

9 Q Doctor, now I am going to ask you to speak up, so
10 not only the Judge but also the U.S. Attorney can hear every
11 word you have to say.

12 A Yes.

13 Q All right, fine.

14 Doctor, would you briefly tell the Court your
15 educational background as pertains to your medical profession?

16 A Yes, I am a graduate of Trinity College and Tufts
17 University Medical School.

18 I attended one year at the Quincy City Hospital,
19 1934 to 1935, and the Hartford Municipal Hospital, now called
20 the McCook Hospital, 1935 to 1937.

21 I then started practice at 45 Farmington Avenue;
22 practiced there for five and a half years; went into the
23 Army, and was at Fort Benning for three years.

24 I returned in 1946, and have been at 487 Farmington
25 Avenue ever since.

1 and it states here that this was given to a Thomas White of
2 71 Bellevue Square, Hartford, on the 20th of July, 1935, at
3 9:22 p.m.

4 Q And do you know when you made that document out?

5 A Yes, I made it at that time.

6 Q At that time?

7 A Yes.

8 Q To the best of your knowledge it is accurate?

9 A Oh, yes.

10 MR. DABROWSKI: I have no objection, your
11 Honor.

12 MR. BROWN: I would ask it be marked
13 Defendant's Exhibit B, your Honor.

14 THE COURT: What is that "40" in parenthesis?

15 THE WITNESS: Your Honor, that is the number
16 of tablets of methadone remaining in my stock.
17 This is how we do it, your Honor, as each
18 consecutive tablet is used up.

19 BY MR. BROWN:

20 Q Now, Doctor, referring to Defendant's Exhibit B,
21 I note that you have here, under amount used, you have 10?

22 A 10 milligrams.

23 Q And that is 10 milligrams of the drug alluded to
24 earlier?

25 A Yes.

1 Q Now, Doctor, let me ask you this next question:
2 Why did you administer 10 milligrams of this particular drug?

3 A Because this is what I thought he needed.

4 Q How did you arrive at this conclusion?

5 A Well, I observed the individual, and I do not
6 remember the details, but if when I decide to give him
7 10 milligrams it is because I thought his condition warranted
8 that amount.

9 Q Now, Doctor, do you have any idea about -- taking
10 into consideration, looking at Mr. White and his physical
11 make-up, do you have any idea about the effects of this
12 particular drug after it is administered on the person?

13 A Well, it helps alleviate the withdrawal symptoms.

14 Q What are the general withdrawal symptoms?

15 A Well, normally an addict will first start craving
16 for his narcotic, usually at the time he would normally take
17 another shot or a dose of his medication -- of his narcotic.

18 Now then, he also starts getting a little anxiety.
19 This develops finally into tearing of the eyes, rhinorrhea,
20 which means the mucous coming out of their nose.

21 Then they start developing nausea, pain in the
22 abdomen, pain in the bones, pain in the back. Sometimes
23 they develop tremors, if the withdrawal symptoms are severe.

24 Q Now, Doctor, what do you mean by anxiety?

25 A Fidgety, nervous; that's what I mean.

1 recall this particular incident. It is your policy not to
2 administer a drug until you see some additional evidence,
3 other than mere tracks?

4 A That is correct.

5 Q And if I may be permitted this question -- it is a
6 little beyond the scope -- do you have any records showing
7 any other administering of drugs to Thomas White?

8 A No, that was the only time I treated him.

9 Q And are you the only person to treat him at the
10 Morgan Street Jail?

11 A Except when I go on vacation.

12 Q Okay. Were you on vacation during July?

13 A No.

14 MR. BROWN: All right, thank you.

15 RECROSS EXAMINATION BY MR. DABROWSKI:

16 Q Is it possible that preliminary symptoms, which are
17 indicative of drug addiction, specifically heroin addiction,
18 is it possible those symptoms would be visible to you, but
19 not really obvious to, say, an agent, who had Mr. White under
20 observation?

21 A It is possible, yes.

22 Q And under those circumstances would you say that
23 Mr. White's condition had not really advanced to withdrawal?

24 A Well, he had withdrawal symptoms, I'm sure.
25 Otherwise I would not have administered the methadone.

1 able to cope, perhaps, with reality; is that correct?

2 A Correct.

3 Q Okay then, therefore, by the same token, the lack
4 of administering of the drug perhaps would have the opposite
5 effect; is that correct?

6 A Yes -- good.

7 Q And, Doctor, along the same line of administering
8 drugs, and the questions about giving 5 milligrams, as
9 opposed to 10; is there any policy about administering drugs
10 prior to a person appearing in court?

11 A Yes, the policy at Circuit Court, at the Court of
12 Common Pleas, is that we do not administer any methadone on
13 the morning of their trial.

14 Q So that if a person were to appear at ten o'clock
15 on Monday morning, for example, he would not be given any
16 drug preceding the time of the court appearance; is that
17 correct?

18 A That's right.

19 Q In other words, perhaps from midnight to ten
20 o'clock in the morning?

21 A Correct.

22 MR. BROWN: Thank you.

23 RE-CROSS EXAMINATION BY MR. DABROWSKI:

24 Q Doctor, if Mr. White's condition worsened or took
25 a turn for the worse, following your administering the

1 or immediately prior to getting into the vehicle, did either
2 you or Officer Edgar Campbell advise him of his
3 constitutional rights?

4 A Yes, sir, upon placing him in the vehicle
5 Officer Campbell read him the Miranda card.

6 Q Had any conversation occurred between you two and
7 Thomas White, prior to advising him of his rights?

8 A No, sir, except that he did say that he didn't
9 want -- upon getting in the cruiser he stated he didn't want
10 anyone to see him being taken away.

11 Q He was then placed in the cruiser and advised of
12 his rights?

13 A Yes, sir.

14 Q In route to the Hartford Police Department did any
15 conversation occur between the three of you in the car?

16 A Yes, sir.

17 Q Would you relate to the Court the general nature
18 and substance of that conversation?

19 A The reasons for his being placed under arrest were
20 explained to him.

21 Q Why was he placed under arrest?

22 A He was placed under arrest on three -- what we had
23 in our possession, three warrants for robbery. We had one
24 warrant for his escape; we had one warrant for burglary --
25 if I remember correctly we had a total of seven warrants.

1 A Yes, sir.

2 Q I notice this is a typewritten form. Who typed the
3 form?

4 A I did, sir.

5 Q And was there a question and answer?

6 A Question and answer; I typed as he answered the
7 questions back.

8 Q And as he provided you with the answer you typed
9 those answers up on this form?

10 A Yes, sir.

11 Q Did there come a time when you handed him the
12 typed statement, and asked him to read it?

13 A I gave him a copy, and I took a copy, and I read it
14 to him, as he ran along with me. This happened in the
15 presence of the notary public.

16 Q Now, his signature appears -- excuse me, the
17 signature of Thomas White appears in the lower right-hand
18 corner of this exhibit. Was that signature placed on this
19 form by Thomas White in your presence?

20 A Yes, sir.

21 Q Do you know what time that was?

22 A Yes, sir, it was after 19:15. I don't have the
23 time.

24 Q You say it was after 19:15?

25 A Yes, sir.

1 Q Why was it after 12:15?

2 A Because I started taking the statement at 12:15.

3 Q What happened between 5:22, when he was advised of
4 his rights, and 7:15, when you started actually typing the
5 statement?

6 A Well, there was much paper work to be done, and I
7 interviewed him prior to the statement he had taken.

8 Q You had already gone over some of the information?

9 A Yes, the information on the other ones.

10 Q And one of the things to be done, was that
11 fingerprinting?

12 A No, sir, this had to do with -- there were seven
13 warrants to be processed, including one out of town. And it
14 was much paper work to be done.

15 Q Now, in time, up until approximately seven o'clock,
16 had he ever either asked for medication, or asked to see a
17 doctor?

18 A No, sir.

19 Q Did he ever indicate he was on drugs, or addicted
20 to drugs?

21 A Yes, sir.

22 Q When did that occur?

23 A I don't recall exactly. He did indicate to us that
24 he had been using heroin.

25 Q After seven o'clock did he ever ask for a doctor?

1 A Yes, sir.

2 Q Do you recall what time that occurred?

3 A I don't recall the time, sir, but somewhere near
4 the end of the interview, or perhaps after the interview,
5 he asked if he could see the doctor.

6 Q Do you recall, to the best of your recollection,
7 exactly what words he used?

8 A He just stated to us that he would like to see the
9 doctor.

10 Q Did he indicate that anything was wrong with him,
11 or that anything was necessary -- anything on an emergency
12 basis that had to be done?

13 A Those were his words, sir, he would like to see the
14 doctor.

15 Q "I would like to see a doctor"?

16 A Yes.

17 Q He didn't say he needed a doctor immediately?

18 A No, sir, he didn't say that.

19 Q Now, did you observe anything unusual about his
20 appearance?

21 A No, sir.

22 Q Did you notice if his nose was running?

23 A No, sir.

24 Q Were his eyes watering?

25 A No, sir.

1. also. I then left.

2 THE COURT: What did you have, chicken
3 sandwiches?

4 THE WITNESS: Kentucky Fried Chicken.

5 THE COURT: Kentucky Fried Chicken? You were
6 sharing your lunch with him?

7 THE WITNESS: Yes.

8 BY MP. BROWN:

9 Q Did he eat it?

10 A I would imagine, yes.

11 Q You don't know?

12 A I don't recall.

13 Q So you can't testify as to whether or not he had
14 dinner; is that correct?

15 A I gave it to him.

16 Q But you don't know whether he ate it or not? I
17 appreciate the fact you said you gave it to him; my question
18 concerned whether -- if you don't know --

19 A I left the office to eat my own.

20 Q So you don't know whether or not he ate it?

21 A No.

22 Q Okay. Where was the defendant kept at the jail?
23 Am I incorrect? Was it the Police Station?

24 A Police Station. He was in the interrogation room.

25 Q An interrogation room. Would you describe to the

1. Court what the interrogation room in which the defendant was
2 located in looked like in terms of how big it was?

3 A It is approximately ten by eight.

4 Q Ten by eight?

5 A Yes.

6 Q What kind of lighting do they have?

7 A Overhead lighting, fluorescent.

8 Q Okay. And how many officers were involved in this
9 particular incident that night? That is, from the time the
10 defendant arrived at the Police Station until that particular
11 document was signed, do you know how many officers
12 interrogated the defendant?

13 A He was only interrogated by myself and Officer
14 Campbell.

15 Q Your brother?

16 A Yes.

17 Q Okay. So it was by two police officers; is that
18 correct? Were you in or out of uniform?

19 A We were both in plain clothes.

20 Q Both in plain clothes?

21 A That's right.

22 Q Was there anybody else there besides you and your
23 brother?

24 A Yes, sir.

25 Q Who was that?

1 A I don't recall who there was. An O.I.C. -- you
2 mean the particular floor that we were on?

3 Q No, I am talking about in the room. Along with,
4 apparently you and your brother, who were interrogating the
5 defendant?

6 A No one, other than the person who notarized the
7 statement of the defendant.

8 Q Is this person who notarized it, is he also a
9 police officer?

10 A Yes, he is.

11 Q So there were three police officers in the room; is
12 that correct?

13 A Yes.

14 Q And apparently from Government Exhibit 1-A, and
15 from your testimony as I recall it, the defendant signed
16 Government Exhibit 1-A sometime after 7:15 p.m.; is that
17 correct?

18 A Correct.

19 Q And he was taken into the station, or the matter
20 was commenced when? What time did he arrive at the station?

21 A About 5:20, 5:15 -- approximately there.

22 Q About 5:15, 5:30?

23 A This is approximate. I don't recall exactly.

24 Q I understand. I am not trying to trick you into
25 some kind of an answer. Somewhere between 5:15 and 5:30 the

1 A It was before, before he was turned over to the
2 warden.

3 Q Now you yourself, personally, didn't handle the
4 call -- when the call came in apparent from Mr. White,
5 indicating where he would be found?

6 A No, sir.

7 Q Do you know from your personal knowledge as to
8 whether or not he indicated, when he called up the police,
9 that he also asked for a doctor to be present when you
10 arrived?

11 A This wasn't brought to my attention, no.

12 Q Wasn't brought to your attention? So it could have
13 happened, but you don't know about it?

14 A I don't know about it.

15 Q Right. From the time that the defendant got into
16 the police cruiser to the time that you left, saw the defendant,
17 how many times did the defendant ask to see a doctor, if you
18 know?

19 A I only recall him telling me that he wanted to see
20 the doctor.

21 THE COURT: When was the first time?

22 BY MR. BROWN:

23 Q When was the first time, if you can recall?

24 A Near the taking of the statement.

25 Q During the taking of the statement?

1 A Near the end of the statement. Perhaps it was
2 after the statement itself.

3 THE COURT: Did you ask him why he wanted to
4 see a doctor?

5 THE WITNESS: I assumed --

6 THE COURT: Not what you assumed.

7 THE WITNESS: No, I did not ask him why.

8 THE COURT: Did he tell you why?

9 THE WITNESS: No, all he said was that he
10 wanted to see the doctor.

11 THE COURT: He didn't tell you why; you didn't
12 say "What's the matter with you?"

13 THE WITNESS: Well, if I can explain this,
14 your Honor?

15 THE COURT: Sure.

16 THE WITNESS: It sounded like -- well, it
17 sounded like routine, you see, once you know that a
18 person is an addict.

19 THE COURT: Did you know he was an addict?

20 THE WITNESS: Yes, I did.

21 THE COURT: Before you took a statement at all
22 from him why didn't you ascertain whether he had
23 any drugs that day, if he's a known addict?

24 THE WITNESS: I did ask him that. I don't
25 recall the answer, your Honor.

1 THE COURT: It wasn't that important?

2 THE WITNESS: Not to me, your Honor. I wasn't
3 concerned with that.

4 THE COURT: You mean if a man was stoned, near
5 unconscious with a drug, as long as you got a
6 statement out of him it didn't matter what he told
7 you?

8 THE WITNESS: Well, if he appeared that way I
9 wouldn't take the statement, your Honor.

10 THE COURT: Don't they teach police officers
11 basically that if a man is addicted the first
12 thing you ask is, like you do here in court, I say
13 "Have you had any drug or narcotic, or anything
14 within the past 48 hours?" And if they have,
15 unless there is some adequate explanation, we don't
16 sentence them; we don't take a plea from them.

17 Now, the question arises, didn't that concern
18 you in taking a statement, about admitting a crime
19 or multiple crimes?

20 THE WITNESS: As I stated --

21 THE COURT: What good is a statement if you
22 can't use it in court?

23 THE WITNESS: I asked him if he had had drugs.
24 I don't recall the answer. He did not appear to be
25 incoherent to me. In reading his rights he appeared

1 to me to understand them. I think I dealt with
2 enough addicts to come to that conclusion, that he
3 wasn't --

4 THE COURT: The doctor was coming in a little
5 later; why didn't you get the doctor to come in and
6 take a look at him, and if the doctor said he was
7 clear and knew what he was doing, he would give his
8 opinion, and then you would have a statement. Now
9 the question has arisen, why didn't you ask the
10 doctor?

11 THE WITNESS: Well, that's not my procedure,
12 your Honor.

13 THE COURT: You better establish a new
14 procedure with the Hartford Police Department.

15 THE WITNESS: I don't make the procedures, your
16 Honor.

17 THE COURT: All right. Maybe the Chief can be
18 aware of it.

19 BY MR. BROWN:

20 Q Now, Detective, you indicated that during the time
21 you were apparently typewriting this statement, and formulating
22 it in your mind for the defendant to sign, you know at least
23 on that occasion he asked to see a doctor; is that correct?

24 A Yes, sir.

25 Q But apparently from your previous testimony you

1 cannot recall whether or not he asked to see a doctor; is
2 that correct?

3 A Yes, sir.

4 Q He may or may not? You may -- it happened last
5 July?

6 A I didn't follow you.

7 Q Let me restate that.

8 Between the time you picked up the defendant, drove
9 him to Bloomfield, drove him down to Morgan Street, questioned
10 him for two hours, and commenced writing this, you cannot
11 recall whether or not the defendant asked to see a doctor; is
12 that a fair statement?

13 A He asked to see a doctor.

14 Q He asked to see a doctor?

15 A Yes, I said I recall him asking for the doctor.

16 Q I appreciate that. During the typing or writing of
17 this?

18 A Right.

19 Q Which occurred after 7:15 that evening?

20 A Right.

21 Q All I'm asking you is, prior to that time can you
22 state whether or not the defendant asked to see a doctor?

23 A No, I can't testify to that.

24 Q How far away were you from the defendant when you
25 were talking to him?

1 called Saturday, but he didn't -- he called again the
2 following Sunday.

3 Q This was on Sunday?

4 A Yes, sir.

5 Q Now, do you know what withdrawal symptoms are?

6 A I've read what they were, your Honor.

7 Q Well, you have been on the force six and a half
8 years in the police department; have you ever seen anyone
9 with withdrawal symptoms?

10 A I've seen someone saying they had what we call
11 withdrawal symptoms.

12 Q What were those symptoms, which you understood to
13 be withdrawal symptoms?

14 A Vomiting, cramps -- well, just watching a guy
15 cramped over.

16 Q Did this man, Thomas White, have any indication
17 outwardly of any such symptoms?

18 A No, sir.

19 Q Did he talk coherently?

20 A Very coherently, your Honor.

21 Q Did he appear upset and anxious, or was he quiet,
22 seemingly, calm, in the possession of his faculties?

23 A I'll give you his exact words, your Honor: "I did
24 wrong, and I want to go ahead and do my time and get it over
25 with. But I'm not going to tell you who was with me."

1 Q Okay. Besides the two FBI agents and yourself,
2 was there anybody else present?

3 A No, sir.

4 Q Okay. During the period of time from nine o'clock
5 until 11:20, which from the exhibit -- I believe it is
6 Government's Exhibit B -- the statement of the 21st; during
7 that period of time how many times did the defendant leave
8 the room, the interrogation room?

9 A He never left the room.

10 Q He never left the room? Is there a bathroom in the
11 room?

12 A No, sir.

13 Q During that period of time was any food brought to
14 him?

15 A No, sir.

16 Q During that period of time, to the best of your
17 knowledge and recollection, did he ask to see a doctor?

18 A No, sir.

19 Q Is it that he didn't ask, or in all fairness you
20 cannot recall whether he asked? Which is it?

21 A He did not ask.

22 THE COURT: What period of time are you referring
23 to now?

24 THE WITNESS: This is between nine o'clock, sir,
25 and 11:20, when I ended my statement.

1 Q Did any of the agents suggest to him what to say?

2 A No, they did not, sir.

3 Q And it is your testimony that everything contained
4 in this document was off the top of his head?

5 A This is what he related to me, and this is what I
6 typed on the statement.

7 Q When you say related -- is it like this?

8 A This is what Thomas White's statement to me was,
9 and I typed it up and he signed it.

10 Q I understand that. That speaks for itself. What
11 I am trying to get at is how mechanically it was done. Did
12 he state to you "I was born on August 25, 1955, in Raleigh,
13 North Carolina"?

14 A Yes, he did, sir.

15 Q Then he just continued right down, paragraph by
16 paragraph?

17 A Yes, sir.

18 Q Now, I notice that after the first, second, third,
19 fifth paragraph, there is a sixth paragraph, and a little
20 space in between the same, and there is more. It starts off
21 "I have read" -- and then in parenthesis "or have had read to
22 me", and it continues along that vein.

23 Was that already on the statement?

24 A Yes, it was, sir.

25 Q So that he didn't state that, did he?

1 know that he had given a statement to Officer
2 Jesse Campbell, the night before, and to Officer
3 Edgar Campbell, his associate officer, concerning
4 the subject matter of your interrogation?

5 THE WITNESS: I believe that I was aware of
6 the fact that he had admitted to the two bank
7 robberies -- two of the three bank robberies that
8 I was concerned with.

9 THE COURT: Did you use that as a basis for
10 getting him to give you a statement, saying "Well,
11 look, you already admitted to Officer Campbell that
12 you were involved" -- when you first went there he
13 had first denied it in your presence; is that
14 correct?

15 THE WITNESS: No, sir, he admitted two, the
16 first two bank robberies of the Connecticut Bank
17 and Trust Company. The only one in contention was
18 the one of the Connecticut Savings and Loan
19 Association, which he denied.

20 THE COURT: All right. As I understand it from
21 Officer Bolden, when he first came in -- were you
22 with him when he came in, or did you come in after-
23 wards?

24 THE WITNESS: I came in after Detective Bolden
25 had brought him down.

1 officers that may have been present and involved in
2 the matter.

3 THE COURT: How did you know about his going
4 to the station that morning at all?

5 THE WITNESS: I had been notified that
6 Mr. White had been picked up, and the police were
7 aware of the fact that he also had a federal warrant
8 for him.

9 THE COURT: Did someone at the police station
10 tell you he had given a statement admitting his
11 involvement in the bank robbery?

12 THE WITNESS: I don't recall if there was any
13 specific indication of a signed statement, but I
14 was informed that he had admitted his participation
15 in the bank robbery of the Connecticut Bank and
16 Trust Company on the two occasions.

17 THE COURT: As to his physical appearance in
18 your presence, he appeared to be normal, and in
19 full possession of his faculties?

20 THE WITNESS: Yes, sir.

21 THE COURT: Did you know he was an addict at
22 the time?

23 THE WITNESS: He had informed me that he was
24 using narcotics, yes, sir.

25 THE COURT: Did you inquire of him as to

1 whether or not he had received any narcotics or
2 drugs during the past 48 hours?

3 THE WITNESS: No, sir.

4 THE COURT: Wouldn't that be normal procedure?

5 THE WITNESS: No, sir.

6 THE COURT: Not with a known drug addict?

7 THE WITNESS: There is nothing we would inquire
8 about that. As long as he appears to be in full
9 possession of his faculties.

10 THE COURT: The reason for inquiring is
11 because in court, we know that when a man is an
12 addict, before accepting a plea of guilty, or
13 sentencing a person, we always inquire whether or
14 not he has used any narcotics or drugs during the
15 past 48 hours, to ascertain his present physical
16 condition.

17 All right, thank you.

18 Any other questions?

19 MR. BROWN: Yes, your Honor, briefly.

20 RECROSS EXAMINATION BY MR. BROWN:

21 Q In your discussions with Mr. White, to get Mr. White
22 to make any statements concerning the July 11th -- correction,
23 any of the bank holdups, did you inform Mr. White that in
24 fact you knew he had confessed to two bank robberies further?
25 Did you inform him that you had written statements from

1 E L O I S E W H I T E, appearing as a
2 witness, being duly sworn, testified as follows:

3 THE CLERK: Would you state your full name?

4 THE WITNESS: Eloise White.

5 THE CLERK: Your address?

6 THE WITNESS: 71-H, Bellevue Square.

7 DIRECT EXAMINATION BY MR. BROWN:

8 Q Now, Mrs. White, are you the mother of Thomas White?

9 A Yes, I am.

10 Q Okay. And does Thomas live with you?

11 A Yes.

12 Q For how long?

13 A All his life.

14 Q Did you know about any problems he had with the use
15 of heroin?

16 A Yes, I did.

17 Q Okay, would you tell the Judge what you knew about
18 his use of heroin?

19 A Well, Thomas had been using heroin for at least
20 six years. And when he got arrested, when he got arrested
21 I had went to visit Thomas at jail.

22 Q Okay, let's stop right there.

23 You say when he got arrested -- are you referring
24 to when he got arrested in July 1975?

25 A Yes.

1 or him?

2 THE WITNESS: No, he said, "Thomas, if you
3 give yourself up it would be a doctor there when
4 you come."

5 THE COURT: What for? What did you want a
6 doctor for?

7 THE WITNESS: He know I was a drug addict.

8 THE COURT: So you'd need drugs shortly
9 after you got in the police station; is that it?

10 THE WITNESS: Yes, because I told him before
11 I came down that I was sick, you know, and he said
12 there'd be a doctor there when I come.

13 BY MR. BROWN:

14 Q What do you mean, you were sick?

15 A Well, I was, you know, withdrawn.

16 Q I don't know. I want you to tell me.

17 A .. My stomach was cramped and my bones was aching, you
18 know. I wasn't running by the eyes, like, you know, when you
19 starting off strung on drugs, your eyes or nose, you know,
20 be sniffing. It all gets worse, day after day. But I was
21 weak, you know, and I was laying down when I was talking to
22 him.

23 Q Did you eat?

24 A No, sir.

25 Q When was the last time you ate prior to being

1 arrested?

2 A About 30 days after that.

3 Q You didn't listen to my question. Before you were
4 arrested when was the last time you had a meal?

5 A About two days.

6 Q Two days before you were arrested?

7 A Yes, sir.

8 Q Why didn't you eat in the 48 hours preceding your
9 arrest?

10 A I did not eat?

11 Q That's right.

12 A I couldn't eat.

13 Q What do you mean you couldn't eat?

14 A You can't eat when you're sick.

15 Q Now, immediately preceding your arrest how much
16 sleep did you get?

17 A About two hours.

18 Q Two hours?

19 A Yes, sir.

20 Q Now, after you were arrested where did they take
21 you first? Did you go directly to the police station?

22 A Yes, sir -- no, they took me out to Bloomfield first,
23 to bring that stuff, that chicken to the dude who was working
24 at his house, the detective.

25 Q This chicken is Kentucky Fried Chicken that we heard

1 A Except Meriden School For Boys.
2 Q Meriden School For Boys? Okay, close enough.
3 THE COURT: How long were you there?
4 THE WITNESS: Six or seven months.
5 THE COURT: Seven months?
6 THE WITNESS: Yes, sir.
7 BY MR. BROWN:
8 Q Okay, now, on the evening that you were arrested,
9 at about 5:00 p.m. did you have anything to eat?
10 A When I was arrested?
11 Q Yes.
12 A No, sir.
13 Q Okay. You heard the officer, Officer Campbell,
14 testify that he gave you some Kentucky Fried Chicken; do you
15 remember that?
16 A Yes, sir.
17 Q Did you eat that Kentucky Fried Chicken?
18 A He didn't give me no chicken.
19 Q He didn't give you no chicken?
20 A No, sir.
21 Q You didn't eat any chicken?
22 A No, sir.
23 Q Now, were you taken directly to the interrogation
24 room?
25 A Yes, sir.

1 about the law. I just figured they couldn't.

2 THE COURT: You don't know why?

3 THE WITNESS: No, sir.

4 BY MR. BROWN:

5 Q Thomas, I show you Government's Exhibit 1, which is
6 entitled "Warning and Waiver". Do you know what that word
7 "waiver" means?

8 A No, sir.

9 Q You don't know what the word "waiver" means?

10 Sorry, I didn't hear your answer.

11 A No, sir.

12 Q You don't know? Would you take a look at
13 Government's Exhibit 1. Do you recognize that document?

14 A Yes, sir.

15 Q Okay. Is that your signature on it?

16 A Yes, sir.

17 Q Do you understand what all that means? Take your
18 time and read it.

19 Do you understand what all that means?

20 A Yes, sir.

21 Q Do you understand what the word "waiver" means?

22 A No, sir.

23 Q Okay. You signed this on the 20th; is that correct?

24 A Yes, sir.

25 Q Okay. Why did you sign it?

1 I say "I thought the doctor was going to be here?"
2 He said, "The doctor will be here".
3 Q Did you think if you signed the statement you'd get
4 to see the doctor quicker?
5 A Yes.
6 Q Is that why you signed the statement?
7 A Yes, sir.
8 Q Now, after you signed those statements, what
9 happened?
10 A They took me down to the booking.
11 Q And what happened there?
12 A Then I got booked, and they took me upstairs.
13 That's when I made the phone call.
14 Q After you made the statement, you signed it; who
15 did you call, by the way?
16 A My girl friend.
17 Q Called your girl friend? Okay.
18 Now, what happened to you after you were taken
19 upstairs and after you made the phone call?
20 A They put me in my cell.
21 Q Put you in the cell at Morgan Street?
22 A Yes, sir.
23 Q By yourself?
24 A Yes, sir.
25 Q And when did the doctor come?

1 A Yes, sir.

2 Q And what time did you wake up?

3 A About five o'clock in the morning.

4 Q Okay. What time did you get to sleep about?

5 A About 2:30 or 3:00. Something like that.

6 Q What happened between the hours of 9:30 and two
7 o'clock, 2:30 in the morning? What were you doing?

8 A I was sitting in my cell, in my cell, laying down,
9 sitting up.

10 Q By yourself?

11 A Yes, sir.

12 Q Did you have a light in your cell?

13 A No, they cut the lights off.

14 Q Was it dark?

15 A Like there is a light in the hallway, but the cell,
16 you know, would be dark. You know, so you could get to sleep.

17 Q During that period of time how did you feel?

18 A I was sick.

19 Q Did you think about the statements you had made
20 earlier that night?

21 A No, sir.

22 Q And you stated you woke up about five o'clock the
23 next morning; is that correct?

24 A Yes, sir.

25 Q Up to five o'clock in the morning did you have

1 anything to eat?

2 A No, sir.

3 Q At five o'clock in the morning -- why did you get up
4 at five?

5 A That's what time I always wake up.

6 Q That's the time you always wake up?

7 Did anybody bring you any food that morning?

8 A Yes, they bring a coffee and a donut.

9 Q Brought you a coffee and a donut. Do you know about
10 what time they brought you the coffee and donut?

11 A I think it was at 7:00 or 7:30. Something like that.

12 Q Okay. Did you eat the donut?

13 A No, I gave it to the other dude next-door to me.

14 Q Gave it to the other dude next to you? Why didn't
15 you eat it?

16 A Because I couldn't eat, man, you can't eat when
17 you're sick.

18 Q Okay. Now, what happened next?

19 A That's when about I say about nine, that's when
20 Campbell -- they said take us in the bull pen about eight.
21 Campbell came and got me about nine -- I mean Bolden.

22 Q From eight to nine you were in the bull pen; is
23 that correct?

24 A Yes, sir.

25 Q From eight to nine did you have anything to eat?

1 THE WITNESS: Yes, sir.

2 THE COURT: All right.

3 BY MR. BROWN:

4 Q You still don't know what the word "waiver" means?

5 A No, sir.

6 Q He didn't explain that to you?

7 A No.

8 Q Up to the time that you were brought to court that
9 afternoon did you ask -- did you ask to see a doctor again?

10 A Yes, sir.

11 Q And when did you ask that?

12 A I asked Detective Bolden before he came and got me.
13 I asked the officers that was on duty.

14 Q The man in the blue uniform?

15 A Yes, sir.

16 Q And did you ever ask Detective Bolden to get a
17 doctor? ;

18 A No, sir.

19 Q And why didn't you ask him?

20 A Because the officer had already told me that the
21 doctor don't come there during court.

22 Q Your testimony is then that the reason you didn't
23 ask Detective Bolden to see a doctor was because you were
24 told by another police officer that doctors do not visit
25 people who are going to court? Is that what you are telling

1 LOUISE S. HOMICKI, appearing as a
2 witness, being duly sworn, testified as follows:

3 THE CLERK: State your full name and address
4 for the Court.

5 THE WITNESS: Louise S. Homicki, 72 Seyms
6 Street, Hartford.

7 DIRECT EXAMINATION BY MR. DABROWSKI:

8 Q How are you employed?

9 A I am the charge nurse of the medical unit at the
10 Hartford Correctional Center.

11 Q How long have you been employed in that capacity?

12 A One week.

13 Q Prior to that time were you employed elsewhere?

14 A Yes.

15 Q Where was that, and in what duties were you
16 employed?

17 A The Hartford Dispensary Methadone Maintenance
18 Treatment Program. And I was there as charge nurse, nursing
19 supervisor.

20 Q Briefly tell the Court what your duties and
21 responsibilities under that employment -- what they were?

22 A Dealing with heroin addicts in various stages of
23 rehabilitation, ordering, dispensing, record keeping of all
24 methadone, scheduling patients for physicians visits, making
25 referrals, and arranging for consultation -- numerous duties

1 relative to the medical aspect of the rehabilitation program.

2 Q You are now employed at the infirmary at Seyms
3 Street?

4 A Yes, sir.

5 Q Now, did you bring with you today, pursuant to a
6 subpoena, the medical records related to one Thomas White?

7 A Yes, sir.

8 MR. DABROWSKI: Your Honor, the witness has
9 brought with her the original medical records from
10 Seyms Street. However, by agreement with counsel
11 we have agreed to substitute a copy of those
12 records in their place.

13 May that copy be marked as Government's
14 Exhibit Number 8 for identification?

15 MR. BROWN: Your Honor, the defendant has no
16 objection to the entire document.

17 THE COURT: Full exhibit.

18 MR. BROWN: Your Honor, the defendant has no
19 objection to the entire document marked as
20 Government's Exhibit Number 8 going in as a full
21 exhibit, and I note that there are seven pages,
22 your Honor.

23 BY MR. DABROWSKI:

24 Q Now, does the medical records which are before you,
25 pertaining to Thomas White, are they in chronological order?

1 you have an opinion that if Mr. White took a dosage of heroin
2 on Sunday morning, what his condition, what condition he
3 would be in on Sunday afternoon?

4 A It depends upon the quality of heroin that he was
5 using, and how long he had been using heroin. It is a very
6 individualized thing.

7 Q Could you elaborate a little bit further on this?
8 Is it possible he would be in a reasonably comfortable
9 condition on Sunday afternoon?

10 A It is possible. It depends upon his habit and the
11 quality of heroin that he was using.

12 Q I assume it is also possible that he could be in a
13 very uncomfortable position.

14 A Certainly.

15 Q Is there any way to tell from the medical records
16 here what condition he would have been in on Sunday afternoon
17 or evening?

18 A On Sunday afternoon or evening?

19 Q Yes.

20 A No, sir. I have no records that would indicate
21 what his status was on Sunday afternoon.

22 THE COURT: How about Monday?

23 THE WITNESS: Well, when he was seen by the
24 doctor he was having hot and cold flashes. He was
25 vomiting and sniffing.

1 A That's correct.

2 Q From that is there any way for you to infer how
3 severe his withdrawal symptoms were?

4 A No.

5 Q On 7:00 p.m. on the 21st?

6 A No, I would interpret them that they were present,
7 but the severity, no, I wouldn't be able to judge.

8 Q If he had been vomiting would he have been sent to
9 the hospital, or would a doctor have been summoned?

10 A Not necessarily. They would have tried to treat
11 him medically, and if the vomiting continued and he wasn't
12 given any relief, then the doctor would be notified again,
13 and may choose to come in and see the patient.

14 Q If he had been vomiting a notation would have been
15 made in the file?

16 A It should have been, yes.

17 Q You have no personal knowledge of Mr. White's
18 condition on that date?

19 A No, sir.

20 MR. DABROWSKI: I have no further questions.

21 THE COURT: Any questions, Counselor?

22 CROSS EXAMINATION BY MR. BROWN:

23 Q Concerning the first page of Government's Exhibit 8,
24 I note there are several drugs listed on the first column,
25 correct, under medication; is that correct?

1 A Yes, sir.

2 Q What are those drugs used for?

3 A Treatment to give the patient comfort following the
4 stages of withdrawal.

5 Q Withdrawal from heroin?

6 A Yes, sir.

7 Q Now, is my record correct, in my interpretation of
8 this particular document, in stating he was admitted to the
9 hospital, the infirmary, the evening of the 21st of July,
10 1975?

11 A That's correct.

12 Q And that he remained in the infirmary until
13 July 28, 1975; is that correct?

14 A I'll have to check. 7/28, 7:00 p.m., yes.
15 Discharged to population.

16 Q On the 30th of July he was again brought back,
17 complaining of similar symptoms; is that correct?

18 A No, sir, on the 29th of July.

19 Q Okay. And I notice the date August 4th. Could you
20 explain that please, what that means, at the bottom of the
21 page?

22 I believe it is Page 2, or Page 3, perhaps.

23 A He apparently came in for sick call. And I can't
24 really interpret the doctor's writing. "Sickness now two
25 weeks, without stopping. Has vomiting following each meal.

1 Right upper quadrant, usual weight" -- I can't read the
2 weight; I'm sorry.

3 Q Is that normal for a person who is undergoing
4 withdrawal, to have difficulty with retaining food?

5 A It is not abnormal. As I say, a lot of it is
6 relative to the habit.

7 Q Now, would a person be admitted to the infirmary
8 for a period of seven days under any conditions but that the
9 doctor was of the opinion that he needed it?

10 A No, sir.

11 Q In other words, a person would not be admitted to
12 the infirmary for a period of seven days on merely the
13 representations of the inmate that he was feeling ill, or that
14 he was undergoing some illness; is that correct?

15 A That's correct.

16 Q My final question is, reviewing the particular
17 document, as I am sure you have, is it your opinion that what
18 was done here was the typical response to a person who is, in
19 fact, undergoing withdrawal of heroin?

20 A Yes, sir.

21 Q It is a typical treatment administered by the jail?

22 A Yes, at the Hartford Correctional Center

23 MR. BROWN: Thank you very much.

24 (Witness excused.)

25 THE COURT: Any other witnesses?

1 EDGAR CAMPBELL,

appearing as a

2 witness, being duly sworn, testified as follows:

3 THE CLERK: State your full name.

4 THE WITNESS: Edgar Lee Campbell.

5 THE CLERK: Your address, Mr. Campbell?

6 THE WITNESS: My home address?

7 THE CLERK: Or business.

8 THE WITNESS: 155 Morgan Street

9 DIRECT EXAMINATION BY MR. DAPROWSKI:

10 Q Mr. Campbell, how are you employed?

11 A City of Hartford, policeman.

12 Q How long have you been so employed?

13 A Almost five years.

14 Q Is your brother Jesse Campbell?

15 A Yes, it is.

16 Q Is he also employed by the Hartford Police

17 Department?

18 A Hartford Police Department.

19 Q On July 20, 1975, which was a Sunday, did you and
20 your brother have occasion to place the defendant in this
21 case, Thomas White, under arrest?

22 A Yes, we did.

23 Q Had you previously had telephone conversations with
24 the defendant?

25 A Yes.

1 but Campbell."

2 Then they contacted me on the road, and I came
3 into the office, and he called again.

4 BY MR. DABROWSKI:

5 Q What was said during that conversation?

6 A This was that Thursday. We had got a suspect on
7 the shooting of the policeman in that robbery, and I told
8 him that from the way it looked he wasn't involved in that.
9 So this should take some of the pressure off, and make it
10 much easier for him to give himself up.

11 And I asked him also about his leg. It was stated
12 to me by some officer that he had jumped out the window from
13 the third floor and he had hurt his ankle. And I asked him
14 how was the ankle doing? He said his ankle was all right;
15 he was limping a little on it.

16 I said, "Well, how did you hurt your ankle?"

17 He said, "Well, I jumped out the window when your
18 boys were there to try to get me."

19 I said, "Oh, yes?"

20 And he said, "If I give myself up are you still
21 going to keep your promises that you made to me?"

22 I said, "Yes, what are the promises I made to you?"

23 I said, "You remember those?"

24 He said, "Yes, you are going to go all the way
25 through the booking process with me, and you are going to get

1 me a doctor."

2 Q Why did he want you to go through the booking
3 process with him?

4 A He was afraid he was going to get beat up.

5 Q He apparently had some confidence in you, that you
6 were not going to beat him up?

7 A That I wasn't going to beat him. I told him the
8 whole beating -- I told him the beating up, about Butch, that
9 it wasn't true. I checked out, and nobody seemed to know
10 anything about it, and how did he get this word?

11 Q And in addition he mentioned the doctor again?

12 A He mentioned the doctor also. It was Warren Bolden
13 there -- Detective Bolden was there with me. And he was
14 holding the line, listening in on the other telephone. And
15 Warren asked -- I also asked him then -- also he spoke to
16 Warren for about three or four minutes. Warren asked "Well,
17 man, let us come and get you, you know, so we could get the
18 whole thing all over with."

19 He said, "No, I'm not ready now. I'm not ready to
20 go."

21 Then Warren say "I know you, because I almost
22 arrested you a couple of times on a shotgun incident, where
23 you had stole a gun and something."

24 MR. BROWN: I didn't hear -- is he testifying
25 as to what a third police officer said? A third

1 person? I missed the first part.

2 THE COURT: Read it back, please.

3 (Previous testimony read back.)

4 MR. BROWN: I ask that the part containing the
5 other police officer be stricken as hearsay.

6 THE COURT: Well, they were all part of the
7 same conversation. Wasn't it, Counselor?

8 Bolden was on one wire; this man was on
9 another, and your client was at the other end.

10 MR. BROWN: Your Honor, if that is the case --
11 I don't know. If that is the case I withdraw my
12 objection. I didn't understand that.

13 THE COURT: Isn't that the situation?

14 THE WITNESS: That's the case.

15 MR. BROWN: I withdraw my objection.

16 BY MR. DABROWSKI:

17 Q He initiated the telephone conversation?

18 A Yes.

19 Q And some point Warren Bolden came in?

20 A He cut in because me and him was working together
21 that night, when I got the call to come into the station.
22 And he said, "I know Tommy pretty good; I had some dealings
23 with him before." He said, "Maybe if I talk to him, because
24 I gave him a couple of breaks, you know, where he had stole
25 a gun out of a house, and went and sold it, and I was right

1 there when he sold the gun, and I was standing right next to
2 him, and I took the gun from the buy that bought the gun, and
3 I didn't arrest the cats" -- just like that. And "Maybe",
4 he said, "Tommy know there is going to be a fair deal, he
5 may in to me."

6 We were both trying to convince Tommy to come in
7 the same night.

8 Q Did he come in?

9 A No, he did not.

10 Q Pursuant to that telephone call?

11 A No, that ended the call. He said, "I'll get back
12 in touch with you."

13 Q Subsequently did you have a third telephone
14 conversation with him?

15 A He called back that same night. This must be about
16 ten something.

17 Q Thursday night?

18 A Thursday night. He called back again that night,
19 and he wanted to know, after twelve o'clock, was there a way
20 he could get in touch with me? I told him that I was tired,
21 because I had been working long hours, and that I would be
22 leaving.

23 So he said, "Well, I'll get in touch with you."

24 That ended that.

25 Q Was there anything mentioned about his surrendering,

1 or any further discussions?

2 A We tried to convince him to surrender after he said
3 no, if he did it will be later that night.

4 Q How long did that conversation last?

5 A This one lasted about three or four minutes,
6 because I had sat in the office, and I wasn't expecting him
7 to call back. And he called right back maybe about an hour
8 later.

9 Q But he didn't surrender as a result of that
10 telephone conversation?

11 A He didn't surrender.

12 Q Was there a fourth telephone conversation?

13 A The next day.

14 Q What was the substance of that telephone conversa-
15 tion?

16 A The first one must have come in about -- either
17 started at about four, or about 3:30. Must have come in right
18 about -- came in before four.

19 THE COURT: In the afternoon?

20 THE WITNESS: In the afternoon, that Friday.

21 I asked him "What are you going to do?" He
22 said, "I'm going to give myself up tonight."

23 BY MR. DABROWSKI:

24 Q This is Friday night?

25 A This is on Friday.

1 Q But he didn't give himself up until Sunday?

2 A Not until that Sunday.

3 I say, "Okay." He say, "I'll call you back."

4 I said, "What time are you going to call me back?"

5 He say, "I don't know what time it will be, but

6 I'll tell you, I'll call you back."

7 I said, okay. I left word in the office if I got

8 any calls, to ask whether it was White. "If it was White,

9 call me on the road and I'll come in."

10 So he must have called back about right around

11 8:00 or 8:30. I got the call and I came in.

12 He called back in, about nine. I say, "Give

13 yourself up?"

14 He said, "I don't know whether I should go that

15 easy, man." He said, "The boys aren't going to look at me

16 right. But you haven't forgot what you promised me, right?"

17 I said, "I haven't forgot it; have you forgot what

18 I promised you?"

19 He said, "No, as long as you go through booking

20 with me, so nothing happens to me, and you are going to get

21 me a doctor."

22 I said, "But, Tommy, you got to remember now, if

23 you come down here the wrong time and not knowing in

24 advance, I can't get you no doctor." And I said, "Why don't

25 you come down here now, and I'll go down to the Captain, or

1 let me come up and pick you up. On the way I'll stop by
2 the Captain and see if we could get a doctor in here, if you
3 want."

4 "I want no doctor now, man, because I got stuff
5 now. I got enough to carry me through a couple of days."

6 Q He said he didn't need a doctor?

7 A Didn't need the doctor because he had some stuff.
8 Before he came down he was going to use up all the stuff.

9 I said, "How much stuff you got, man?"

10 He said, "I got a lot of it."

11 I said, "How much is a lot of it, couple of bags,
12 or what?"

13 He said, "Don't worry; I got enough to last me for
14 a couple of days."

15 I said, "What are you going to do? Are you going to
16 give yourself up?"

17 "No, I'm not leaving until I get rid of my stuff."

18 I said, "Okay, what you want me to do?"

19 He said, "I just want you to keep your end of the
20 deal. I'm going to give myself up."

21 Because I had also told him that if I wanted to,
22 that we could take out a warrant and arrest the people that
23 were in the house where his girl was, because he had been
24 hiding there, and they knew he was wanted by warrant. I also
25 told him that, on one of the telephone calls, and that if he

1 came down that we wouldn't push the thing about them, by
2 letting him stay or hide there.

3 He said he wasn't hiding; he just go by there to
4 see his baby. I say, "When you go there they know there is
5 warrants out on you, and all of them felony warrants; you are
6 wanted for bank robbery and all the rest."

7 He said, "Well, what time are you coming to work
8 tomorrow?" -- which was that Saturday. I said, "Same time."

9 I said, "Tommy, you should come now, because we got
10 a confession from both of the guys that was involved in this
11 deal with the policeman, where the policeman got shot in the
12 robbery. You are not involved in that no way. We got both
13 guys. You are not involved."

14 He said, "Yes, I see it in the paper there."

15 I said, "What you going to do?"

16 "Well, I can't come tonight, man, number one,
17 because I'm too high now. I don't want to come down now."

18 I said, "Okay, what time are you going to call me
19 tomorrow?"

20 THE COURT: He said, "I'm too high"?

21 THE WITNESS: "I'm too high."

22 THE COURT: What time was that?

23 THE WITNESS: This was about nine o'clock,
24 when I was talking to him that Saturday night --
25 9:30.

1 THE COURT: 9:00 p.m. on Saturday night?

2 THE WITNESS: Yes. We talked fifteen or twenty
3 minutes. I'm still trying to convince him. He say,
4 "I call you tomorrow, what time you come in?"

5 I said, "Okay, I look for the call."

6 He said, "What time will you be in?"

7 I said, "What time do you want me to come in?
8 And I'll come in when you want me to." Because I
9 wanted to pick him up.

10 So on that he said, "Well, I'll just call."

11 I said, "Well, I'll be in about four."

12 I come in about my usual time -- I must have
13 came in about three o'clock that Saturday. About
14 3:30 he called. I answered the phone myself. I
15 picked it up.

16 He said, "Man, I'm coming in tonight."

17 I said, "Tommy, I don't want to keep going
18 through this, man; you're telling me this" -- I
19 said, "If you are caught riding up and down on the
20 road on that bicycle, and you run", I said, "one
21 of them shotgun blasts hits you -- I hate to look
22 at the paper and everybody say that you were shot
23 for some other reason, or all that."

24 I said, "You know, you are a wanted criminal" --
25 just like that.

1 He said, "Well, I ain't worried about that,
2 because I know all about the cops, and they are
3 afraid to come up in the Square to get me."

4 I said, "All right, you take it loose."

5 He said, "I know your boys there are afraid
6 to come in the Square. They don't walk in there
7 and move around at night."

8 I said, "Okay, what time you coming in
9 tonight?"

10 He said, "I'm coming early."

11 I said, "What you call early?"

12 He said, "Six or seven. I'm going to call and
13 let you get me."

14 This was that Saturday. I said okay.

15 So then I say, "What you want me to do?"

16 He said, "I want you to set it up for the
17 doctor. I want you to stay right with me." He
18 say, "My lady know, and my mother know you are
19 going to stay right with me, and I don't want my
20 mother to know. I told her I would give myself up,
21 but didn't tell her when."

22 I said, "Okay, you call me; I'll be here."

23 So I went out, and came back in, and he didn't
24 call at six.

25 And there were a lot of, you know, because I

1 had been talking with him so much the guys began to
2 laugh at me, saying, "You are letting the guy play
3 you around."

4 I said we don't have any way to go.

5 So he must have called at about eight. I said,
6 "What are you going to do, man?"

7 He said, "Man, I don't know."

8 I said, "What you mean, you don't know? I'm
9 here waiting on you."

10 He said, "Well, I'll tell you. I'm not ready
11 now, but I'll call you back."

12 I said, "Look, I'm going home early tonight.
13 I'm not staying here."

14 He said, "I'll call you back about ten o'clock,
15 and maybe I'll let you know."

16 I said, "Tommy, you high again, man?"

17 "Yes, I'm high again, man."

18 I say, "You are going to keep this up, you are
19 going to get hurt."

20 He said, "No, I know what I'm doing."

21 I said, "Where are you calling from?"

22 He said, "I won't tell you that; they'll be
23 looking out, looking for me."

24 I said okay. I hung up the telephone, then
25 while I was on the road he must have called a couple

1 of times.

2 Then I came back in at about ten. He called
3 again. "Are you ready for me to come."

4 "No, I ain't used all the stuff I got. I got
5 about one more day's use. When I use all the stuff
6 I got I be all set."

7 I said, "What you mean? Throw the stuff away,
8 man. Give up."

9 He said, "No, but I want to make sure, Campbell,
10 you keep your part of the deal."

11 I said, "I'm going to keep my part of the deal."

12 He said, "I don't know when I'll need a doctor
13 when I get there, because I have enough stuff to
14 carry me for a while. But I'll need a doctor
15 sometime that night."

16 "Tommy, that's what I'm telling you. They
17 don't put a doctor in anytime at night. The doctor
18 has a certain hour. Why don't you let me come and
19 get you now? I don't even know -- why don't you
20 let me come and get you now?"

21 He said, "I'll call you back."

22 I said, "Tommy", I said, "Tommy, it is ten
23 o'clock now. What you going to do?"

24 He said, "I'll call you back."

25 I said, "What time? I go home two o'clock."

1 He said, "I'll call you before then."

2 We went in to where we were sitting, in the
3 office, waiting on the call. About a quarter to
4 twelve he hadn't called me, and everybody is
5 usually leaving about a quarter to twelve. I said,
6 "I'm going to wait a few more minutes."

7 We waited a few more minutes; no call come in.
8 So then I left. I didn't hear from him that
9 Saturday night.

10 BY MR. DABROWSKI:

11 Q Did you talk to him again Sunday?

12 A Sunday afternoon.

13 Q What happened during that telephone conversation --
14 was it a telephone conversation?

15 A Telephone conversation, about 4:30. It was a little --
16 about four o'clock, the telephone rung and Jesse answered the
17 telephone. He said, "Tommy on the telephone, get it."

18 I said, "Man, I'm not going through this bull no
19 more like that," I said, "I'm tired of that." I was doing
20 paperwork on another case.

21 I got the telephone, I said, "Yes?"

22 "I'm ready, man."

23 I said, "Tommy, don't pull my leg."

24 He said, "I'm ready."

25 I said, "You're ready?"

1 He said, "Yes."

2 I said, "What you want me to do?"

3 He said, "You and your brother come and get me now.
4 I want you to remember what you told me."

5 I said, "I know what I told you."

6 He said, "You're going to get me a doctor?"

7 I said, "I'm going to see you get a doctor."

8 He said, "I have some stuff, I'll need -- don't need
9 one now, but I'll need one before the night's over."

10 I said, "You'll need one before the night's over
11 with?"

12 He said, "Yes."

13 I said, "Okay. Where you want us to come?"

14 "To come to my girl's house."

15 I said, "Tommy, you are going to be there?"

16 He said, "I'll be there."

17 My brother and I went to this girl friend's house.
18 I went to the door. Everybody was expecting me. They called
19 me inside.

20 I met the mother first at the door. The mother was
21 standing at the door. Then I met the girl. She was crying,
22 holding a baby.

23 I said, "Tommy told me to come and get him."

24 Q Where was Jesse at this time?

25 A Jesse was on the porch. Stayed on the porch where

1 the mother was. He didn't go inside. I went inside. She
2 said, "Yes, he's in here." Took me in the room and Tommy
3 was in there, standing up.

4 I said, "How is it going, man?" You know, just
5 talked for a minute or two, and I said, "All right, you about
6 ready?"

7 He said, "Yes, but I wait my lady here, and my
8 lady's mother, man, to hear what you promised me."

9 I said, "I'm going to keep my side of the deal.
10 I'm going to do what I told you."

11 He said, "You see nothing happen to me?"

12 I said, "I'll see nothing happen to you."

13 "Are you going to see I get a doctor?"

14 "And I'm going to see you get a doctor."

15 Then he said, "Wait a minute." He said, "I got to
16 go run a little errand."

17 I said, "Wait a minute now, Tommy, I'm not going to
18 run outside." Now he said, "No, wait a minute." He said,
19 "If I wasn't going to give myself up I never would have told
20 you this."

21 I said, "What you got to do now?"

22 He said, "I got to go get my sister's TV."

23 I said, "Tommy, you go walking on the street,
24 somebody see you."

25 He said, "I'm not going on no street. I know my

Q Well, part of the process of booking, are they permitted to make a phone call?

A They can't make it right there.

Q I understand.

A They take everything out of their pockets, and everything they got is put on a property slip. Then they are given a cell that they are going to be put in. Then they are taken from there to upstairs where they are photographed, fingerprinted, and then allowed a phone call.

Q Now, at the time you made the arrest of this defendant how many warrants were there outstanding for his arrest, if you know?

A I don't know.

Q How many did you know about?

A How many did I know about? I would say three.

Q Three? How many of those were out of the Hartford Police Department?

A Three.

Q All three were by the Hartford Police Department?

A Yes.

Q If I had three warrants against me and I was being booked -- correction, I had three warrants and you came to pick me up, would I be booked immediately?

A How do you mean?

Q Well, when you apprehended me, or I gave myself up,

1 A It wasn't rolled; they were loose and pulling.

2 Q Fine. And you could see the tracks?

3 A Yes.

4 Q So if anybody testified -- well, when were the
5 sleeves rolled up?

6 A It wasn't, you know, it was long sleeves; they were
7 loose and pulled sort of up. It wasn't a roll up.

8 Q Is it your testimony that on the evening of the
9 20th of July the defendant admitted not only to the robbing
10 of the Connecticut Bank and Trust Company on June 24th and
11 July 10th, but also he admitted to the robbing of the third
12 bank that night; is that correct?

13 A Yes.

14 Q Did you record those statements?

15 A Did I record them?

16 Q Yes.

17 A No, I didn't record them because I -- you see, I
18 was just talking with him. Just a conversation he was
19 relating to one another. He was telling me of the jobs, and
20 then I asked him whether he would give a statement. He said,
21 "I'll give the statement, but I'm not giving nobody up."

22 I said, "Just give us the parts what you done."
23 And he told me about that.

24 When he completed all that I went to: I told Jesse.
25 I said, "Okay, he's ready to give you a statement. But he

1 Q You don't recall, so he could have, but you just
2 don't remember; is that a fair statement?

3 A He could have, yes.

4 Q And you wouldn't find that unusual enough to write
5 down personally; is that correct?

6 A I probably would have.

7 Q Did you know that the defendant was to be
8 arraigned at ten o'clock that morning?

9 A On what charges, sir?

10 Q State charges.

11 A No, I did not.

12 Q So you can offer no explanation as to why the
13 arraignment was postponed from ten o'clock to two o'clock; is
14 that correct?

15 A That's correct.

16 Q You stated that someone asked him as to whether or
17 not he wanted an attorney; is that correct?

18 A Yes, sir.

19 Q What was the response to that?

20 A No.

21 Q When the defendant was being questioned was he
22 standing or sitting?

23 A Sitting.

24 Q Was he bending over or was he straight up?

25 A Straight up, and also tipping back in his chair

1 Q I'm sorry.

2 A Who said they were experiencing drug withdrawal.

3 Q Who said it, but do you know if they were or not?

4 A Well, depending on whether or not you believed them.

5 Q Why is it that when the defendant indicated to you
6 that he had been under the use of drugs, why is it then and
7 there that you did not stop the questioning and ask that a
8 doctor come in and examine the defendant, to ascertain
9 whether or not he was telling the truth?

10 A He didn't appear to need a doctor.

11 Q And is that your reason?

12 A He didn't appear to be withdrawing from drugs, or
13 being under the influence of them. He appeared normal.

14 Q He appeared normal? You say that, knowing the fact
15 that he did enter the hospital that particular evening for a
16 week, concerning the withdrawal of heroin; is that correct?

17 A I didn't know he did that.

18 Q During these hours you were questioning him, up to
19 11:30, how much food did he have to eat in your presence?

20 A None.

21 Q How much did he have to drink?

22 A Nothing, I believe.

23 Q Did he appear tired to you?

24 A No.

25 Q And you say you remember it, or are you guessing,